

**DALLAS COUNTY  
BOARD OF ADJUSTMENT  
MINUTES**

The Dallas County Board of Adjustment was called to order on **September 27<sup>th</sup>, 2016**, at 4:30 P.M., in the Dallas County Board of Supervisors' Office at 121 N 9<sup>th</sup> Street in Adel, Iowa, by Chairperson, Marilyn Gliem. Members Karen Smith, Marilyn Gliem, and John Baker were present. Member John Bunz arrived at approximately 4:36 P.M. Member Scott Pope was absent. Samuel Larson, Senior Planner, was also in attendance.

**Approve Agenda:**

**Motion** by J. Baker **to accept** the agenda as presented. **Seconded** by K. Smith. **Ayes unanimous. Motion carried.**

**Approve Minutes of the last meeting of August 22<sup>nd</sup>, 2016:**

**Motion** by K. Smith **to dispense** with the reading of the Minutes of the last meeting of August 22<sup>nd</sup>, 2016, and **approve** them as written. **Seconded** by J. Baker. **Ayes unanimous. Motion carried.**

**Old Business:**

S. Larson mentioned there were some items that needed to be addressed, but stated he would wait until the end of the meeting.

**New Business:**

**Item 1: A petition to consider a Variance to allow the construction of an accessory building in the front yard** on Parcel #1120378001, zoned A-2 (Agricultural/Floodplain/Conservation District) located at 27856 N Avenue in Section 20, T79N, R27W (Adel Township) **for Faith Mill LLC c/o Greg J. Thomas.**

Greg Thomas spoke explaining where the property is located. G. Thomas explained that the building was going to be used for farm machinery and tractor storage as he farms some of the surrounding properties. G. Thomas said he would like the building placed closer to the road because the land falls away towards the river fairly dramatically, and this location would make the building more stable and accessible.

**Others to speak in Support or Opposition:** (None)

**Questions from the Board:**

J. Baker asked if all the land between the pavement and the property line was State owned Highway 169 right of way, and S. Larson responded that it was right of way.

**Comments from the Board and Staff:**

S. Larson stated that the variance is only to place the building in the front yard, not to have a reduced roadside setback, and G. Thomas elaborated on this saying the building is going to actually be more to the side of the house rather than in front of the house to which S. Larson responded that the Planning & Development Department considers anything between the front of the house and the right of way to be considered front yard.

S. Larson stated that the building is still in excess of the 50 foot roadside setback, the variance was just to be able to place the building closer to the road than the house. S. Larson continued to say the proposed building site is still

120 feet from the edge of the shoulder of Highway 169, the Engineer with the Iowa DOT has no concerns with the building location, and there were no concerns from any of the neighbors.

**Motion** by J. Baker **to approve a Variance to allow the construction of an accessory building in the front yard** on Parcel #1120378001, zoned A-2 (Agricultural/Floodplain/Conservation District) located at 27856 N Avenue in Section 20, T79N, R27W (Adel Township) **for Faith Mill LLC c/o Greg J. Thomas. Seconded** by K. Smith. **Ayes unanimous. Motion carried.**

*J. Bunz entered the meeting.*

**Item 2: A petition to consider a Variance to allow reduced setbacks for the construction of a single-family dwelling** on Lot 9 of Block 6, Moran, Parcel #0420309006, zoned R-1 (Suburban Residential District) located at 15730 Tanner Lane in Section 20, T81N, R26W (Des Moines Township) **for Jason Burger.**

Jason Burger spoke stating that he is requesting reduced setbacks on all sides of the property for the construction of a new home because the subject property is very small in size, only 50 feet by 100 feet, making the usual required setbacks impossible to meet.

**Others to speak in Support or Opposition:** (None)

#### **Questions from the Board:**

J. Baker questioned whether there were any comments from the neighbors, and S. Larson responded saying that no neighbors had any concerns with the project. S. Larson continued to say that there was one neighbor who questioned if it was possible to get a septic system on the property. S. Larson consulted the Environmental Health Department, and they stated it is possible to fit a septic system on any property; it was just a matter of the price of the system.

J. Burger responded saying he had spoken with Ted Trewin at the Environmental Health Department back in July, and he explained that they can design a septic for any property; it was just a question of how much money they wanted to spend.

J. Baker then asked if the DNR would need to approve the septic system, and S. Larson responded that Environmental Health is the department that handles septic systems, and the septic system would have to be approved before a building permit would be issued for the house.

**Comments from Board and Staff:** (None)

**Motion** by K. Smith **to approve a Variance to allow reduced setbacks for the construction of a single-family dwelling** on Lot 9 of Block 6, Moran, Parcel #0420309006, zoned R-1 (Suburban Residential District) located at 15730 Tanner Lane in Section 20, T81N, R26W (Des Moines Township) **for Jason Burger. Seconded** by J. Baker. **Ayes unanimous. Motion carried.**

**Item 3: A petition to consider a Variance to allow the construction of an accessory building in the front yard** on Lot 2 of Prairie View Estates, Parcel #1432300007, zoned A-1 (Agricultural District) located at 19158 – 365<sup>th</sup> Street in Section 32, T78N, R28W (Adams Township) **for Scot Riedl.**

Scot Riedl spoke stating he just moved to town, and his wife is originally from the Adel/De Soto area. S. Riedl continued stating he wants to build a pole barn on the property for the storage of tractors, four-wheelers, and other equipment for extra-curricular activities. S. Riedl explained that he wanted to build the barn at the location indicated in the front yard because there is a good wind block from the trees adjacent to the proposed building site, the land is level there, and there would be run-off if the building was placed further back on the lot.

**Others to speak in Support or Opposition:** (None)

**Questions from the Board:**

J. Baker asked if Prairie View Estates had any covenants, and S. Larson responded that he had not heard anything regarding the covenants from any of the adjacent landowners that were notified. S. Larson continued to explain that if there were anything in the covenants; it was up to the Homeowners' Association to enforce the covenants, not the county.

M. Gliem referred to the map and verified the location of the proposed accessory building and the existing home on the property with S. Larson.

J. Baker asked for clarification regarding what would happen if there were covenants, and S. Larson responded explaining that since the county does not enforce covenants, the county could grant a building permit that the Homeowners' Association could disagree with, at which point the Homeowners' Association could potentially sue the property owner for building outside of their covenants.

M. Gliem then asked S. Riedl if he knew if there were any covenants, and S. Riedl replied that he was not aware of any. S. Larson explained that it is not uncommon for smaller subdivisions to not have any covenants. M. Gliem stated that S. Riedl could look in his abstract to see if there were any covenants for the subdivision, to which he questioned if there were covenants wouldn't there be associated dues, and M. Gliem responded that is often the case. M. Gliem then stated she believed that if there were covenants, S. Riedl would be notified, and S. Riedl agreed.

**Comments from the Board and Staff:** (None)

**Motion by J. Baker to approve a Variance to allow the construction of an accessory building in the front yard on Lot 2 of Prairie View Estates, Parcel #1432300007, zoned A-1 (Agricultural District) located at 19158 – 365<sup>th</sup> Street in Section 32, T78N, R28W (Adams Township) for Scot Riedl. Seconded by J. Bunz. Ayes unanimous. Motion carried.**

S. Larson then addressed the board summarizing the prepared findings from the previous month's meeting, and asked the board to review the findings and sign them. S. Larson gave the board the findings for the current meeting to review and sign, as well. K. Smith mentioned that Kendra Kasischke, the petitioner from the meeting on August 22<sup>nd</sup>, did go to the Board of Supervisors.

**Motion by J. Bunz to adjourn the meeting. Seconded by K. Smith. Ayes unanimous. Motion carried.**

**Meeting adjourned.**

Kate Davies  
Planner

*An audio recording of this meeting is available from the Dallas County Department of Planning & Development.*